

21-5839

IN THE SUPREME COURT
OF THE UNITED STATES

July 27, 2021

Case No. 20-2750

Case No. 18-CV-1769

Antonio Damell Mays,
Petitioner,

FILED
AUG 16 2021
OFFICE OF THE CLERK SUPREME COURT, U.S.

v
Tracy Johnson,
Respondent,

Petition For A Writ of Certiorari to the
United States Supreme Court on the Judge-
ment From the United States Court of Appeals
for the "Seventh Circuit For Chicago, Illinois.

Antonio Damell Mays*266902
Green Bay Correctional Inst.
Post office Box 19033
Green Bay, Wisconsin
54307

RECEIVED
SEP 22 2021
OFFICE OF THE CLERK SUPREME COURT, U.S.

RECEIVED
AUG 24 2021
OFFICE OF THE CLERK SUPREME COURT, U.S.

"Question Presented"

Can the Courts of appeals make its decisions on (False Statements, and documents) and State's "dept. of Cor. Corr." Agent Submit - (False statements and False documents) to have petitioner Mays (re-arrested and revoke)?

"parties"

the petitioner, is Antonio Darnell Mays, a prisoner at Green Bay Corr. Inst. p.o. box 19033, Green Bay, Wis. 54301. . . . the respondent is - Tracy Johnson who work for the Dept. of Cor. as a (dcc agent p.o) for (milwaukee) and the (State) of Wisconsin. . . .

"table of Contents"

Question presented

parties

table of Authorities

decision below

jurisdiction

constitutional and Statutory provision involved

Statement of Case

basis for Federal Jurisdiction

Reasons for granting the Writ

1. Conflicts with decisions of other Courts

2. Importance of the Question presented

Conclusion. . . . "Appendix"

decision of the U.S. Court of Appeals, and Order of the U.S. Court of Appeals (denying rehearing).

"Table of Authorities"

Page(s)

Franks v. Delaware, 438 U.S. 154 (1978)...	VII
Mapue v. Illinois, 360 U.S. 264 (1959)...	VII
Mooney v. Holohan, 294 U.S. 103 (1935)...	VII
United States v. Wallach, 935 F.2d 445 (1991)...	VII
Alcorta v. Texas, 355 U.S. 28 (1957)...	VII
Phillips v. Woodford, 267 F.3d 966, 984-85 (9th Cir. 2001) v.	
Pyle v. Kansas, 317 U.S. 213 (1942)...	VII
United States v. Bagley, 473 U.S. 667 (1985)...	VII
United States v. Zuno-Arce, 339 F.3d 886 (9th Cir. 2003) v.	
Hayes v. Brown, 399 F.3d 972 (2005 U.S. App. Lexis)...	VII
Phillips v. Woodford, 267 F.3d 966 (9th Cir. 2001)...	1, 4
Mapue v. Illinois, 360 U.S. 264 (1959)...	1, 2
Franks v. Delaware, 438 U.S. 154 (1978)...	1, 2
Mooney v. Holohan, 294 U.S. 103 (1935)...	1, 3
United States v. Wallach, 935 F.2d 445 (2d Cir. 1991) 3	
United States v. Stofsky, 527 F.2d 237 (2d Cir. 1975) 3	
Alcorta v. Texas, 355 U.S. 28 (1957)...	3
Pyle v. Kansas, 317 U.S. 213 (1942)...	3
United States v. Bagley, 473 U.S. 667 (1985) 2(5)	
United States v. Zuno-Arce, 339 F.3d. (9th Cir. 2003) 6	
Hayes v. Brown, 399 F.3d. 972 (2005) 6	

"Decision Below"

The decision of the "United States Court of Appeals for the Seventh Circuit", is unreported, it is cited in the table, No. 20-2750 (7th Cir.) 2021, and a copy is attached as appendix a. to this petition (A.1). The order of the United States Court of Appeals, for Illinois, and appendix b. a copy of decision on rehearing and rehearing en banc to this petition.

"Jurisdiction"

The judgement of the "United States Court of Appeals, for the Seventh Circuit", was entered on (June 25, 2021) an order "Denying" a "petition for rehearing and rehearing en banc was entered on (July 27, 2021) and a copy of that order is attached a appendix b. to this petition (A.2) Jurisdiction is conferred by 28 U. S. C. § 1254 (1).

"Constitutional and Statutory Provision involved". This case involves "Amendments" (VIII and XIV) to the United States Constitution which provides: Amendment VIII; Excessive bail shall not be required, nor excessive - fines imposed, nor Cruel and unusual punishments inflicted.

Amendment XIV (Section 1); All persons born or naturalized in the "United States" and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall "abridge" the "privileges or immunities of citizens" of the United States; nor shall any "State" deprive any "person of life, liberty or property" without (due process of law); nor (deny to any person within its jurisdiction the equal protection of the law).

"Section 5," The Congress shall have power to enforce, by appropriate legislation, the provision of this Article.

The Amendment is enforced by "Title 42, Section 1983," "United States Code." Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the "District of Columbia," subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action, at law, suit in equity

(IV)

or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be (granted) unless a declaratory decree was violated or declaratory relief was unavailable. For the purpose of this section, any act of Congress applicable exclusively to the "District of Columbia" shall be considered to be a Statute of the District of Columbia.

"Statement of the Case"

The petitioner's Complaint alleged that he was "falsely arrested and falsely imprisoned") by the respondent, Tracy Johnson, P.O. Agent on allegations Petitioner, Mays "Won on June 20, 2018 and July 27, 18 and on (August 29, 2018) respondent Tracy Johnson, has Submitted False Documents and False Statements," to the "Department of Correction of Wisconsin," Division of Hearings & Appeals to (Reopen the revocation hearings she lost on "June 20, 2018" and "July 27, 2018," respondent, Tracy Johnson "Submitted a 'false documents' (dated August 16, 2018) and gave a 'false statements', that the documentation was a (DNA Report) that states, the petitioner Mays (DNA) was on "two (2) weapons (firearms) used in a "double homicide", when in (fact) this report is (Not A DNA Report), but instead it's a (Firearm and toolmarking report) and it says

Nothing about petitioner's (DNA) or petitioner's (DNA was on anything). Wherefore, respondent Johnson, did so (Submitted false documents) and made a (False Statements) about petitioner's DNA was within this report, respondent, Johnson submitted this (document) and (Statement) to the "DHA" and "Courts" and all the "Lower Courts" rely on (False information to make there "Decisions on petitioner's (42 U.S.C. 1983) on "Case no. 18-cv-1769", Appeal no. 20-2750, "August 20, 2020" District Court For the Eastern District Court For Wisconsin. And on "June 25, 2021", and on a rehearing motion on "July 27, 2021", the district court granted "Summary Judgement to the respondent that the respondent is entitled to "Absolute Immunity" on the Court of appeals for the Seventh Circuit for Illinois, "Affirmed" the granting of the Summary Judgement for the reasons stated by the district courts. All Courts decisions (relied on false information.

"Basis for Federal Jurisdiction"

This Case raises a questions of interpretation of the "cruel and unusual punishment and due process" clause of the Eighth and Fourteenth Amendments to the United States Constitution. The district court had jurisdiction under the general federal question jurisdiction conferred by 28 U.S.C. 1331.

"Reason For Granting the Writ"

1) Conflicts with decisions of other Courts. The holding of the Courts below that the defendant is entitled to (absolute immunity) is directly contrary to the holding of the United States Supreme Court. See Franks v. Delaware, 438 U.S. 154 (1978); Laque v. Illinois, 360 U.S. 264, 269, 3, L. Ed. 2d 1217, 78 S.Ct. 1173 (1959); Mooney v. Holohan, 294 U.S. 103, 12, 791 L. Ed. 791, 55 S.Ct. 346 (1935); United States v. Valacich, 935 F.2d 445, 456 (2d Cir. 1991); Alcora v. Texas, 355 U.S. 28, 2 L. Ed. 2d 9, 78 S.Ct. 103 (1957); Wheeler v. Kansas, 317 U.S. 213, 87 L. Ed. 214, 63 S.Ct. 17 (1942); Phillips v. Woodford, 267 F.3d 966, 984-85 (9th Cir. 2001); United States v. Bagley, 473 U.S. 667, 678, 87 L. Ed. 2d 481, 105 S.Ct. 3375 (1985); United States v. Zuno-Arce, 339 F.3d 886, 889 (9th Cir. 2003); Hayes v. Brown, 399 F.3d 972* 2005 U.S. App. Lexis 3744. Can a Court make their decisions off of "False Evidence, False Documents, and False Statements?" B.) "Importance of the Question Presented": This Case presents a "fundamental question" of the interpretation of this Court's decisions in Phillips v. Woodford, 267 F.3d 966, 984-85 (9th Cir. 2001). The question presented is of great public importance because it affects the operations of the justice systems in all 50 States, the District of Columbia, and hundreds of City and County; In view of the large amount of litigation over "False (vtr).

Statements, False testimony, and False evidences to obtain any kind of judgement from a Court, guidance on the question is also of great importance to all prisoners, because it affects their ability to receive "fair decisions" in a proceedings that may result in months or years of added incarceration or harsh punitive confinement. The issue's importance is enhanced by the fact that the lower courts in this case have seriously misinterpreted, Woodford, This Court held in, Phillips v. Woodford, 267 F.3d 946, 784-85 (9th Cir. 2001). There is nothing in Napue, its **21) predecessors, or its progeny, to suggest that the Constitution protects defendants only against the knowing use of perjured testimony. Due process protects defendants against the knowing use of any false evidence by the state, whether it be by document, testimony, or any other form of admissible evidence. The court reiterated this point in, Napue v. Illinois, 360 U.S. 264, 269, 3 L. Ed. 2d 1217, 79 S.Ct. 1173 (1959). Franks v. Delaware, 438 U.S. 54 (1978). Mooney v. Holohan, 294 U.S. 103, 112, 79 L. Ed. 791, 55 S.Ct. 340 (1935). And added that the use of false evidences is a violation of "Due process Clause. Petitioner, Mays, Avera, both Courts made it judgement on "false information" that was submitted by the respondent Tracy Johnson, were there was (never a dna report dated "August 16, 2018" to (D.N.).

wherefore, respondent, Johnson "Submitted" (false, inaccurate, and perjured information; Whereas on - April 26, 2021" petitioner, Mays, (Submitted to the Court of appeals a reply brief with exhibits showing that the respondent Johnson, Submitted (false, inaccurate documents "Crime Lab. report dated August 6, 2018) to the "dha and lower courts that the petitioner's Mays's DNA came back on two (2) firearms that was used in a double homicides. The United States Supreme Court held in Franks v. Delaware, 438 U.S. 154 (1978). false, inaccurate, or perjured information; (disclosure); Where defendant makes substantial preliminary showing that "false statement, knowingly and intentionally or with the reckless disregard for the truth, was included by affiant in Search Warrant affidavit, and if alleged "false statement" is necessary to finding of probable cause "Fourth Amendment" require that hearing be held at defendant's request U.S. C.A. Const. Amend. 4th). Franks v. Delaware, 438 U.S. 154 (1978). Respondent, Tracy Johnson, provided "false and inaccurate information to the dha and lower courts, - there was never any (dna reports dated August 16, 18) One of the bedrock principle of our democracy - implicit in any concept of "ordered Liberty", is that the State may not use (false evidence) to obtain a Criminal Conviction. Mapp v. Illinois, 360 U.S. 241 269, 3 L. Ed. 2d 1217, 79 S.Ct. 1173 (1959), Deliberate - (P2)

deception of a Judge and Jury is inconsistent with the (rudimentary) demands of Justice. Mooney v. Holohan, 294 U.S. 103, 112, 79 L. Ed 55 S.Ct. 340 (1935). Thus a conviction obtained through use of "false evidences" known to be such by representatives of the State, must fall under the "Fourteenth Amendment", Napue, 360 U.S. at 269. (Citation omitted) Indeed if it is established that the "government" knowingly premitted the introduction of (false testimony) "reversal is virtually automatic." United States v. Wallach, 935 F.2d 445, 456 (2d. Cir. 1991). (quoting) *** 14 United States v. Stofsky, 527 F.2d 237, 243 (2d. Cir. 1975). In addition the State violates a Criminal defendant's rights to due process of law, when although not soliciting "false evidence" it allow "false evidence" to go uncorrected when it appears. See, Alcora v Texas, 358 U.S. 28, 2 L. Ed 2d 9, 78 S.Ct. 103 (1957). Ryle v Kansas, 317 U.S. 213, 87 L. Ed. 214, 63 S.Ct. 177 (1942). In this case, the State knowingly presented (false evidences) to the JAA and Courts and made (false representation of the crime lab documents) "Stating on August 16, 2018" she received a (dna reports) stating (Mays dna linked him to two (2) firearms used in a "double homicides" this is not true at all, Cause one (1), this "Crime lab report" dated (August 16, 2018) is "Not a DNA Report" it's a "Firearm and tool marking report, and (2). this report that was submitted" by the respondent, Johnson, does not say anything about (Mays's DNA) is on any (Firearms) p.o. -

(02)

igent, Respondent, Johnson Action Violated (Mays's Constitutional Rights) under Napue, by presenting - false evidences to the (DHA and Courts) and under Alcorta, and Ryle, (**20), by failing to correct the record following the presentation of false evidence before Respondent Johnson, Submitted this report on August 16, 2018" to the DHA on "August 29, 2018"; Respondent, Johnson, should have (read the report) to see what (really stated) before "Submitting" it to the dha to try and reopen a revocation hearing she lost on June 20, 2018" on Appeal on "July 27, 2018". In describing the rule, the Court itself discussed the use of false evidences, including false testimony... Id. there is nothing in, Napue, its (**21) predecessors, or its progeny to suggest that the Constitution protects defendants only against the knowing use of perjured testimony. Due process protects defendants against the knowing use of any false evidences by the (State) whether it be by (Documents, Testimonies or any other form of admissible evidence. See, Phillips v. Woodford, 267 F.3d 966, 984-85 (9th Cir. 2001). It is well settled that the presentation of "false evidence" violates Due process, (Citing) Napue, 360 U.S. at 269. . . . Because of the "gravity of depriving a person of liberty on the basis of false testimony," the "Supreme Court" and United States Court of Appeals have fashioned over the years a workable set of precise rules designed not only to remedy egregious (P.4).

Wrongs" that have already occurred, but also prophylactically to prevent damaging false testimony from happening in the first place. Respondent, Johnson gave knowingly and presenting false evidence and false testimony to obtain a arrest and revocation on the same allegations is some what starting. The rule originated with *Mooney*, in (1935), which held that a "Criminal Defendant" is denied (due process) when the State has contrived a conviction through the pretence of a trial which in truth is but used as a means of depriving a defendant of (Liberty) through a "deliberate deception of court and jury by the perjured". 294 U.S. at 112. Seven years later, in *Ryle*, the Supreme Court expanded this rule to encompass not only perjured testimony, knowingly used by the State but also the deliberate suppression by those same authorities of evidence favorable to the criminal defendant. 317 U.S. at 216. In, *United States v. Bagley*, 473 U.S. 667, 678, 87 L. Ed. 2d 481, 105 S.Ct. 3375 (1985). - The "Supreme Court" noted the well establish rule that a conviction obtained by the knowing use of perjured testimony is "fundamentally unfair," and must be "set aside" if there is any reasonable likelihood that the false testimony "could have affected the judgement of the jury." That constitutional error occurred does not end our analysis. Neither *Mapue*, nor *Alcora*, create a per se rule of "reversal". Because the error was not structural, we must assess whether the constitutional (05)

violation was material. See United States v Zuno-Arce, 39 F.3d 886, 889 (9th Cir. 2003). To prevail on a claim based on Morrey, Mepue, the petitioner must show (**31) that: (1), the (testimony or evidence) was actually false; (2), the prosecution "knew or should have known" that the testimony was actually false; (3), the false testimony was material. Hayes v Brown, 399 F.3d 972*2005 U.S. App. exis 3744. Respondent, Johnson, on "March 31, 2021" "Submitted" its brief to the "7th Cir. Court of Appeals" and on (page 7) "middle page", States, On "August 16, 2018" Johnson received "DNA results" from the "State Crime Lab." tying Mays's) to the "double homicides". (Dkt. 31.7), DNA found on two of the weapons used in the "double homicide catches" Mays's profile". (Dkt. 31.7), please see defendant-appellee, Johnson brief on (pg. 7). Petitioner Mays, contends, Johnson, (1) Submitted a (report) on "August 29, 2018" to the (dha) that was (false) and gave (false statements) that this (report) "States Mays's DNA was on two (2) - weapon(s) tying Mays to a double homicide - this (report) is (false). (2) Respondent Johnson, knew that "her statements and documents were (false evidences) because she submitted the ("August 16, 2018 report on August 29, 2018") Respondent, Johnson, "knowingly submitted false documents and statements as evidences to have the petitioner Mays (re-arrested and Supervision) ~~reopened~~ for a revocation hearing she (lost) Reopen on "Oct. 03, 2018", (3). The false statements and false evidences (documents) was material clause it was used to have the petitioner (P.6)

mays, (arrested without cause) and it was used to re-open a (revocation hearing that was decided on and - "June 20, 2018" and on appeal on "July 27, 2018" the Case was "Closed," in the petitioner favor. Wherefore, respondent Johnson made up false evidences and gave a false Statement about this report to have petitioner, mays rearrested and revoked on the same allegation he won on (06-11-18 and on 07-27-18), please see (exhibit A) that was (submitted by respondent Johnson) on "August 29, 2018" "Crime lab report dated "August 16, 2018" this report states nothing about Petitioner Mays's DNA or Petitioner Mays DNA was on two (2) weapon(s) used in a (double homicide therefore respondent, Johnson (submitted false evidences) to the (dha and Courts). Petitioner, Antonio Mays, contends, that the "district court of eastern district of Wisconsin, and the United States Appeal Court For the Seventh Circuit of Illinois, (made there's decisions) on (false and inaccurate information and petitioner, mays submitted his briefs and reply briefs to both (Courts) with (exhibit) to show that the (document respondent submitted is false documents because the document is "not a DNA report @ all). Both Lower Courts (Relied on this False Document) to Make there "Decisions" on (Case no. 18-cv-1769 / 20-2750 therefore "Both Lower Courts are Choosing to (ignore) the Real Evidences and Facts) provide by the petitioner, Antonio Mays, Within this Case, Courts Can not ignore the (Real evidences and Facts) respondent submitted and made - false documents and Statements on the (report) saying

in (DNA Report) When it's Not.

"Conclusion For Relief"

For The Foregoing Reasons, Certiorari Should Be Granted
Within this Case and Both Decisions Should Be overturned
in the Petitioner, Antonio Mays Forde.

Respectfully Submitted on 13th Day of August, 2021

St. Antonio Darnell Mays

Green Bay Care Inst.

P.O. Box 19033

Green Bay, WI

54307

(P.8)